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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,979	04/18/2006	Georges Driesen	02894-0727US1 / Z-7882Q	2159
27752 7590 09/09/2010 THE PROCTER & GAMBLE COMPANY Global Legal Department - IP Sycamore Building - 4th Floor 299 East Sixth Street CINCINNATI, OH 45202			EXAMINER DANIEL, JAMAL D	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 09/09/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,979	Applicant(s) DRIESEN ET AL.	
	Examiner JAMAL DANIEL	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7,9-13 and 15-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,9-13,15-18,20,21,23 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following informalities: In lines 2 and 3 of claim 4 Applicant recites, "a narrowed face sides". This is grammatically incorrect. Appropriate correction is required.
2. Claim 6 is objected to because of the following informalities: Line 2 of claim 6 recites "wherein enlarged projecting area comprises". This is grammatically incorrect. Should it be "the enlarged projecting area comprises" or "enlarged projecting areas comprise"?
3. Claim 12 is objected to because of the following informalities: The status identifier is "previously presented" but the claim appears to be currently amended.

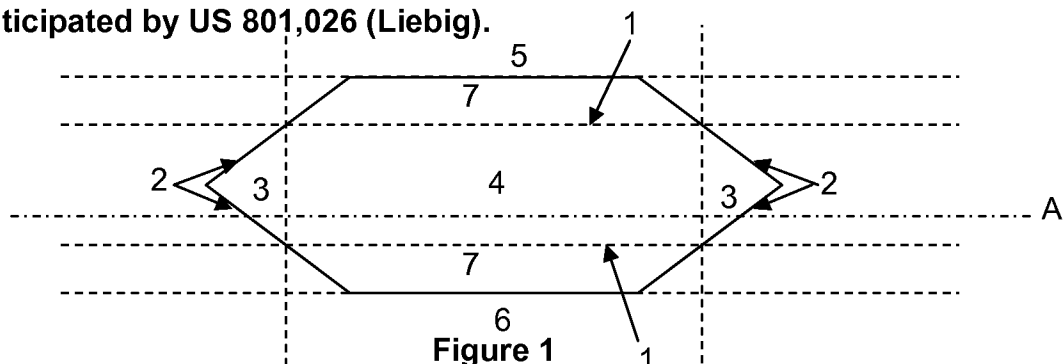
Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-3, 7, 9, 13, 15, 17, 18 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by US 801,026 (Liebig).**



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1. In re claims 1-3, 7, 9, 13, 15, 17, 18 and 23, with reference to figure 1 above, Liebig discloses a bristle cluster stuffing tool ram comprising broad longitudinal sides (1), face sides (2), and a pressing surface including: end face regions (3) and a central face region (4) being wider than the end face regions as measured between the broad longitudinal sides of the ram, a first broad longitudinal side (5) extending between ends of the face sides of the ram, and a second broad longitudinal side (6) extending between ends of the face sides of the ram such that a cross sectional area of the ram is asymmetric about a lateral axis (A) of the ram.
2. Regarding the specific limitation of "a toothbrush bristle cluster stuffing tool" in claim 13, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebig.

6. In re claims 4 and 6, Liebig discloses a trapezoidal projection, but it would have been an obvious matter of design choice to one having ordinary skill in the art at the time the invention was made to use a rectangular projection since both projections effectively serve the same purpose of adding thickness to the ram which increases said ram's strength and lessens the chance of breakage. A rectangular projection would inherently include a stepped transition.

7. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebig in view of US 2,084,345 (Jobst).

8. In re claim 10, Liebig discloses the claimed invention except for a widening of the ram beginning at the pressing surface and moving in a longitudinal direction. However, Jobst discloses a ram with a tapered point. It would have been obvious to one having ordinary skill in the art at the time the invention was made to taper the ram of Liebig as disclosed in Jobst in order to decrease damage to the rim of the borehole.

9. In re claim 11, Liebig and Jobst disclose the claimed invention except for the explicit angle of the ram point. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the optimal angle

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of widening, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

10. Claims 12, 16, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebig.

11. In re claims 12, 16, 20 and 21, Liebig discloses the claimed invention except for explicit percentages of projection with respect to the width of the holding element and end regions. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the optimal angle of widening and size of projection, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Allowable Subject Matter

12. Claim 22 is allowed.

13. The following is a statement of reasons for the indication of allowable subject matter: The specific limitations of “pressing the holding elements into corresponding boreholes inclined relative to a longitudinal axis of the ram” are not anticipated or made obvious by the prior art of record in the examiner’s opinion. For example, Fisher et al discloses a ram pressing the holding element into corresponding boreholes which are inclined relative to *the brush head* but said boreholes are not inclined relative to *the ram*.

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6. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments have been fully considered but they are not persuasive.

8. Applicant argues that the cross sectional area of the ram of Liebig is not asymmetrical about a lateral axis. The Examiner disagrees. A specific lateral axis was not chosen. The axis (A) specified in the claim rejection is a lateral axis and thus the claim still reads on the reference.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMAL DANIEL whose telephone number is (571)270-

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5706. The examiner can normally be reached on Monday - Friday 7:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571)272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMAL DANIEL/
Examiner, Art Unit 3723

/Joseph J. Hail, III/
Supervisory Patent Examiner, Art Unit 3723